

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

XimpleWare Corp., California
Corporation

Plaintiff,

v.

**Versata Software, Inc. f/k/a Trilogy
Software, Inc.** a Delaware corporation;
Trilogy Development Group, Inc. a
California corporation; **Ameriprise
Financial, Inc.**, a Delaware corporation;
Ameriprise Financial Services, Inc. a
Delaware corporation, and **Aurea
Software, Inc. a/k/a Aurea, Inc.**, a
Delaware corporation,

Defendants.

Case No. 3:13-cv-05160-SI

[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO DISMISS
PLAINTIFF XIMPLEWARE CORP'S
CLAIMS OF DIRECT AND
CONTRIBUTORY COPYRIGHT
INFRINGEMENT, LANHAM ACT
VIOLATION, BREACH OF CONTRACT,
BREACH OF THE COVENANT OF GOOD
FAITH AND FAIR DEALING, UNJUST
ENRICHMENT, INTERFERENCE WITH
PROSPECTIVE ECONOMIC ADVANTAGE,
UNFAIR COMPETITION AND
DECLARATORY RELIEF

PROPOSED ORDER

After considering Versata Software, Inc., Trilogy Development Group, Inc., and Aurea Software Inc.'s ("Versata Defendants") Motion to Dismiss Plaintiff's Claims of Direct and Contributory Copyright Infringement, Lanham Act Violation, Breach of Contract, Breach of Covenant of Good Faith and Fair Dealing, Unjust Enrichment, Interference with Prospective Economic Advantage, Unfair Competition and Declaratory Relief, the Court ORDERS as follows:

Versata Defendants' Motion is GRANTED. XimpleWare's First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Counts against the Versata Defendants are DISMISSED WITHOUT LEAVE TO AMEND.

IT IS SO ORDERED.

Dated:

The Honorable Susan Illston
United States Senior District Judge